

BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes

June 3, 2004

A meeting of the Board of Environmental Protection was held on Thursday, June 3, 2004, at the Holiday Inn / Ground Round in Augusta, Maine. Richard Wardwell, Chair, called the meeting to order at 9:00 a.m. with the following individuals present:

Board: Nancy Anderson, Ernest Hilton, Donald Guimond, Katharine Littlefield, Virginia Plummer, Richard Wardwell, Jean T. Wilkinson, Nancy Ziegler and Matt Scott

Absent: Irving Faunce

<u>Staff:</u>	<u>Bureau of Land and Water Quality</u>	Jeff Madore
	<u>Bureau of Land and Water Quality</u>	Stacie Beyer
	<u>Bureau of Land and Water Quality</u>	Linda Kokemuller
	<u>Bureau of Land and Water Quality</u>	Judy Gates
	<u>Bureau of Land and Water Quality</u>	Don Witherill
	<u>Bureau of Air Quality</u>	Jeffrey Crawford

Others: Peggy Bensinger McCloskey, Assistant Attorney General
Cynthia Bertocci, Executive Analyst
Terry Hanson, Administrative Assistant

(Meeting adjourned at approximately 3:00 p.m.)

I. DEPARTMENTAL

A. COMMISSIONER'S COMMENTS: NONE

B. CHAIRMAN'S COMMENTS: NONE

C. EXECUTIVE ANALYST COMMENTS:

West Old Town Landfill: The Board has received two appeals of the Department's decision granting permit approval to State Planning Office for the West Old Town Landfill. One of the appeals included a request for public hearing. The Board will first consider whether it wants to conduct a public hearing on the appeal. July 15th is the tentative date for consideration of the request for a public hearing.

The summer Board meeting schedule will remain unchanged at this time.

D. BOARD CALENDAR: Reviewed

E. DEPARTMENTAL ORDERS: Reviewed

F. EXECUTIVE SESSION: None

II. CONSENT AGENDA ITEMS

The Board voted (9-0-0-1) on a motion to approve as presented items 1, 2, 3, 4 and 5.

Board members Nancy Anderson, Ernest Hilton, Donald Guimond, Katharine Littlefield, Virginia Plummer, Richard Wardwell, Jean T. Wilkinson, Nancy Ziegler and Matt Scott voted to support the motion. Board member Irving Faunce was absent.

1. J. GOODISON CO., INC., Southwest Harbor – Administrative Consent Agreement and Enforcement Order (BLWQ – Water)
2. INDUSTRIAL WELDING & MACHINE, INC., Southwest Harbor - Administrative Consent Agreement and Enforcement Order (BLWQ - Water)
3. MAUREEN WEEKS and WILLIAM D. WEEKS, Turner - Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
4. MARTIN BROTHERS LOGGING, Washington and Palermo – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
5. THE LANE CONSTRUCTION CORPORATION, Bangor – Administrative Consent Agreement (BAQ)

III. Regular Agenda

1. CHAPTER 155, PORTABLE FUEL CONTAINER SPILLAGE CONTROL / AMENDMENT (adoption)

Staff: Jeffrey Crawford, Bureau of Air Quality

The Board voted (9-0-0-1) on a motion to adopt Chapter 155, Portable Fuel Container Spillage Control amendments as presented. The vote was taken pursuant to 38 M.R.S.A., Section 341-D, 585 and 585-A.

Board members Nancy Anderson, Ernest Hilton, Donald Guimond, Katharine Littlefield, Virginia Plummer, Richard Wardwell, Jean T. Wilkinson, Nancy Ziegler and Matt Scott voted to support the motion. Board member Irving Faunce was absent.

2. CHAPTER 355, COASTAL SAND DUNE RULES / AMENDMENTS (adoption)

Staff: Jeff Madore, Bureau of Land and Water

The Board voted (4-2-3-1) on a motion to adopt amendments to Chapter 355, Coastal Sand Dune Rules as modified to include the April 1, 2006 sunset provision expiration date on the last page of the rule. The vote was taken pursuant to 38 M.R.S.A. Section 341-D.

Board members Virginia Plummer, Richard Wardwell, Jean T. Wilkinson and Nancy Ziegler voted to support the motion. Board members Ernest Hilton and Katharine Littlefield voted opposed. Board members Nancy Anderson, Donald Guimond and Matt Scott abstained. Board member Irving Faunce was absent.

3. ANNE S. HANNUM / REMAND (decision on draft Board Order)

Staff: Stacie Beyer, Bureau of Remediation and Waste Management

The Board voted (4-1-4-1) on a motion to approve the draft order and deny the application of Anne S. Hannum for construction of a private recreational dock. The motion included minor changes to the draft order, as follows:

Page 7 of 12 (2nd paragraph - sixth line from bottom)

...The applicant also had an opportunity to ~~thoroughly~~ thoroughly

Page 8 of 12 (very bottom of page - last line)

... distance to the landing (a ten minute drive ~~verses~~ versus a five to ten....)

The vote was taken pursuant to 38 M.R.S.A. Section 480-A et. seq. and 06-096 CMR Chapter 310.

Board members Ernest Hilton, Katharine Littlefield, Virginia Plummer and Jean T. Wilkinson voted to support the motion. Board member Richard Wardwell voted opposed. Board members Nancy Anderson, Donald Guimond, Nancy Ziegler and Matt Scott abstained. Board member Irving Faunce was absent.

4. TOWN OF WISCASSET – WISCASSET MUNICIPAL AIRPORT (petition for Board jurisdiction)

Staff: Kristen Haley, Bureau of Land and Water Quality

The Board voted (9-0-0-1) on a motion to deny the petition for Board jurisdiction over the application of the Town of Wiscasset for the construction of a taxiway extension and hangars at the Wiscasset Municipal Airport in Wiscasset. The motion included minor changes to the draft order, as follows:

3. RESPONSE TO REQUEST: (1st paragraph, 7th line from the bottom)

... has generated more than local interest." ~~The Board finds that the number of signatories on the supplemental petition may suggest that this application may meet this criterion. However, the~~ The Board also finds that the public interest evidenced by the supplemental petition relates primarily to the use...

The vote was taken pursuant to 38 M.R.S.A., Section 341-D and 06-096 Chapter 2.

Board members Nancy Anderson, Ernest Hilton, Donald Guimond, Katharine Littlefield, Virginia Plummer, Richard Wardwell, Jean T. Wilkinson, Nancy Ziegler and Matt Scott voted to support the motion. Board member Irving Faunce was absent.

THE BOARD RECONVENED AT 1:00 TO CONDUCT THE INFORMATIONAL SESSION(S):

Chapter 500, Stormwater Management and Chapter 502, Direct Watersheds of Waterbodies Most at Risk from New Development / Overview (Staff: Don Witherill)

Wetland Mitigation Banking / Overview (Staff: Judy Gates)

Chapter 315 Assessing and Mitigating Impacts to Existing Scenic and Aesthetic Uses / Update (Staff: Judy Gates)